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Paul A. Leipold
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester NY 14650-2201

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OFFICE OF PETITIONS

In re Application of	:	
Lee and Kessler	:	
Application No. 10/785,598	:	DECISION GRANTING PETITION
Filed: February 24, 2004	:	
Attorney Docket No. 87163AEK	:	

This is a decision on the petition filed February 3, 2005, under 37 CFR 1.10(d) requesting that the above-cited application be accorded a filing date of February 24, 2004, rather than the presently accorded filing date of February 20, 2004.

Petitioner alleges that the application was deposited with the Express Mail Service on February 24, 2004, notwithstanding the entry of February 20, 2004 as the "date-in" of the Express Mail receipt. In support of the allegation, the petition is accompanied by a copy of the "Express Mail Log" maintained by petitioner showing that Express Mail package EV293529955US was deposited with the United States Postal Service, Express Mail Service on February 24, 2004. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on February 24, 2004.

In view of the above, the petition is granted. The new filing date for the above-cited application is February 24, 2004.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of February 24, 2004, and for issuance of a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions